

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

CARMEN ACEVEDO and RACHEL ACEVDEO, Individually and as Next Friend for ABIGALE ACEVEDO, A Minor,

**Plaintiffs,**

VS..

MINDAUGAS GRIKENAS, and  
HMD TRUCKING, INC.,

## Defendants.

CIVIL ACTION NO.:

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to 28 U.S.C. § 1441(b), Defendants Mindaugas Grikenas and HMD Trucking, Inc., (“Defendants”) file this Notice of Removal, and respectfully show the Court the following:

1. Plaintiffs commenced this action in the District Court of Dallas County, Texas on or about February 26, 2013. Plaintiffs amended their Original Petition on or about March 4, 2013, and Defendant HMD Trucking, Inc. received a copy of said Amended Petition on or about March 19, 2013.

2. Plaintiffs are citizens of the State of Texas, and each resides in Dallas County.

3. Defendant Mindaugas Grikenas, at the time of the incident made the basis of Plaintiffs' suit was a resident of the State of Florida. Currently, Defendant Mindaugas Grikenas is a resident of the State of Kentucky.

4. Defendant HMD Trucking, Inc. is a corporation, with its principal place of business at 10031 Virginia Avenue, Chicago Ridge, IL 60415.

5. Upon information and belief, Plaintiff seeks to recover damages for an amount in excess of \$75,000.

6. Where there is complete diversity of citizenship between the parties, the amount in controversy is in excess of \$75,000, and this Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332(a).

7. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441, as this is a civil action between citizens of different states, neither Defendant is a citizen of the State of Texas, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

8. The removal of this matter from State to Federal court is proper under 28 U.S.C. § 1446 where the initial pleading sets forth the claim for relief upon which the action is based.

9. That pursuant to 28 U.S.C. § 1446 filed herewith and by reference made a part hereof is a true and correct copy of all process, pleadings, and orders served upon Defendants in this action, attached hereto as Exhibit A

WHEREFORE, Defendants request that this action now pending against them in the 44<sup>th</sup> Judicial District Court of Dallas County, Texas be removed to the United States District Court, Northern District of Texas, Dallas Division, as it is an action properly removable thereto, and that Defendants be all such other and further relieve to which they may show themselves justly entitled.

Respectfully submitted,

WILSON, ELSE, MOSKOWITZ  
EDELMAN & DICKER LLP

/s/ Michael S. Beckelman

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing has been forwarded to the following counsel of record via facsimile and certified mail, return receipt requested, on this the 9<sup>TH</sup> day of April, 2013:

Hardin R. Ramey, Esq.  
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/s/ Michael S. Beckelman  
Attorney